

# Union Calendar No. 370

108TH CONGRESS  
2D SESSION

# H. R. 4492

[Report No. 108-611]

To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2004

Mr. REGULA (for himself, Mr. LATOURETTE, Mr. BURNS, Mr. WILSON of South Carolina, Mr. RYAN of Ohio, Mr. GORDON, Mr. ENGEL, Mr. WAMP, Mrs. LOWEY, Mr. HINCHEY, Mr. TIERNEY, Ms. HART, Mr. BOSWELL, Mr. SPRATT, Mr. MEEHAN, Mr. NORWOOD, Mr. MURPHY, Mr. BARRETT of South Carolina, Mr. RAHALL, Mr. McNULTY, Mr. DEMINT, Mr. BROWN of Ohio, Mr. CLYBURN, Mr. SWEENEY, Mr. DOYLE, Mr. BROWN of South Carolina, Mr. MURTHA, and Mr. NEY) introduced the following bill; which was referred to the Committee on Resources

JULY 19, 2004

Additional sponsor: Mr. LEACH

JULY 19, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 2, 2004]

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## A BILL

To amend the Omnibus Parks and Public Lands Manage-

ment Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 ***TITLE I—EXTENSIONS***

4 ***SEC. 101. AUTHORIZATION AND APPROPRIATION EXTEN-***  
 5 ***SIONS.***

6 *Division II of the Omnibus Parks and Public Lands*  
 7 *Management Act of 1996 (Public Law 104–333; 16 U.S.C.*  
 8 *461 note) is amended—*

9 *(1) in each of sections 107, 208, 408, 507, and*  
 10 *811, by striking “September 30, 2012” and inserting*  
 11 *“September 30, 2027”;*

12 *(2) in each of sections 108(a), 209(a), 409(a),*  
 13 *508(a), and 812(a), by striking “a total of*  
 14 *\$10,000,000” and inserting “a total of \$20,000,000”;*  
 15 *and*

16 *(3) in title VIII, by striking “Canal National*  
 17 *Heritage Corridor” each place it appears in the sec-*  
 18 *tion headings and text and inserting “National Her-*  
 19 *itage Canalway”.*

20 ***TITLE II—NATIONAL AVIATION***  
 21 ***HERITAGE AREA***

22 ***SEC. 201. SHORT TITLE.***

23 *This title may be cited as the “National Aviation Her-*  
 24 *itage Area Act”.*

1 **SEC. 202. FINDINGS AND PURPOSE.**

2 (a) *FINDINGS.*—Congress finds the following:

3 (1) *Few technological advances have transformed*  
4 *the world or our Nation's economy, society, culture,*  
5 *and national character as the development of powered*  
6 *flight.*

7 (2) *The industrial, cultural, and natural herit-*  
8 *age legacies of the aviation and aerospace industry in*  
9 *the State of Ohio are nationally significant.*

10 (3) *Dayton, Ohio, and other defined areas where*  
11 *the development of the airplane and aerospace tech-*  
12 *nology established our Nation's leadership in both*  
13 *civil and military aeronautics and astronautics set*  
14 *the foundation for the 20th Century to be an Amer-*  
15 *ican Century.*

16 (4) *Wright-Patterson Air Force Base in Dayton,*  
17 *Ohio, is the birthplace, the home, and an integral*  
18 *part of the future of aerospace.*

19 (5) *The economic strength of our Nation is con-*  
20 *nected integrally to the vitality of the aviation and*  
21 *aerospace industry, which is responsible for an esti-*  
22 *mated 11,200,000 American jobs.*

23 (6) *The industrial and cultural heritage of the*  
24 *aviation and aerospace industry in the State of Ohio*  
25 *includes the social history and living cultural tradi-*  
26 *tions of several generations.*

1           (7) *The Department of the Interior is responsible*  
2           *for protecting and interpreting the Nation's cultural*  
3           *and historic resources, and there are significant ex-*  
4           *amples of these resources within Ohio to merit the in-*  
5           *volvement of the Federal Government to develop pro-*  
6           *grams and projects in cooperation with the Aviation*  
7           *Heritage Foundation, Incorporated, the State of Ohio,*  
8           *and other local and governmental entities to ade-*  
9           *quately conserve, protect, and interpret this heritage*  
10          *for the educational and recreational benefit of this*  
11          *and future generations of Americans, while providing*  
12          *opportunities for education and revitalization.*

13          (8) *Since the enactment of the Dayton Aviation*  
14          *Heritage Preservation Act of 1992 (Public Law 102–*  
15          *419), partnerships among the Federal, State, and*  
16          *local governments and the private sector have greatly*  
17          *assisted the development and preservation of the his-*  
18          *toric aviation resources in the Miami Valley.*

19          (9) *An aviation heritage area centered in South-*  
20          *west Ohio is a suitable and feasible management op-*  
21          *tion to increase collaboration, promote heritage tour-*  
22          *ism, and build on the established partnerships among*  
23          *Ohio's historic aviation resources and related sites.*

24          (10) *A critical level of collaboration among the*  
25          *historic aviation resources in Southwest Ohio cannot*

1 *be achieved without a congressionally established na-*  
2 *tional heritage area and the support of the National*  
3 *Park Service and other Federal agencies which own*  
4 *significant historic aviation-related sites in Ohio.*

5 *(11) The Aviation Heritage Foundation, Incor-*  
6 *porated, would be an appropriate management entity*  
7 *to oversee the development of the National Aviation*  
8 *Heritage Area.*

9 *(12) Five National Park Service and Dayton*  
10 *Aviation Heritage Commission studies and planning*  
11 *documents: “Study of Alternatives: Dayton’s Aviation*  
12 *Heritage”, “Dayton Aviation Heritage National His-*  
13 *torical Park Suitability/Feasibility Study”, “Dayton*  
14 *Aviation Heritage General Management Plan”,*  
15 *“Dayton Historic Resources Preservation and Devel-*  
16 *opment Plan”, and Heritage Area Concept Study,*  
17 *demonstrated that sufficient historical resources exist*  
18 *to establish the National Aviation Heritage Area.*

19 *(13) With the advent of the 100th anniversary of*  
20 *the first powered flight in 2003, it is recognized that*  
21 *the preservation of properties nationally significant*  
22 *in the history of aviation is an important goal for the*  
23 *future education of Americans.*

24 *(14) Local governments, the State of Ohio, and*  
25 *private sector interests have embraced the heritage*

1        *area concept and desire to enter into a partnership*  
2        *with the Federal government to preserve, protect, and*  
3        *develop the Heritage Area for public benefit.*

4            *(15) The National Aviation Heritage Area would*  
5        *complement and enhance the aviation-related re-*  
6        *sources within the National Park Service, especially*  
7        *the Dayton Aviation Heritage National Historical*  
8        *Park, Ohio.*

9        *(b) PURPOSE.—The purpose of this title is to establish*  
10       *the Heritage Area to—*

11            *(1) encourage and facilitate collaboration among*  
12        *the facilities, sites, organizations, governmental enti-*  
13        *ties, and educational institutions within the Heritage*  
14        *Area to promote heritage tourism and to develop edu-*  
15        *cational and cultural programs for the public;*

16            *(2) preserve and interpret for the educational*  
17        *and inspirational benefit of present and future gen-*  
18        *erations the unique and significant contributions to*  
19        *our national heritage of certain historic and cultural*  
20        *lands, structures, facilities, and sites within the Na-*  
21        *tional Aviation Heritage Area;*

22            *(3) encourage within the National Aviation Her-*  
23        *itage Area a broad range of economic opportunities*  
24        *enhancing the quality of life for present and future*  
25        *generations;*

1           (4) *provide a management framework to assist*  
 2           *the State of Ohio, its political subdivisions, other*  
 3           *areas, and private organizations, or combinations*  
 4           *thereof, in preparing and implementing an integrated*  
 5           *Management Plan to conserve their aviation heritage*  
 6           *and in developing policies and programs that will*  
 7           *preserve, enhance, and interpret the cultural, histor-*  
 8           *ical, natural, recreation, and scenic resources of the*  
 9           *Heritage Area; and*

10           (5) *authorize the Secretary to provide financial*  
 11           *and technical assistance to the State of Ohio, its po-*  
 12           *litical subdivisions, and private organizations, or*  
 13           *combinations thereof, in preparing and implementing*  
 14           *the private Management Plan.*

15 **SEC. 203. DEFINITIONS.**

16           *For purposes of this title:*

17           (1) *BOARD.—The term “Board” means the*  
 18           *Board of Directors of the Foundation.*

19           (2) *FINANCIAL ASSISTANCE.—The term “finan-*  
 20           *cial assistance” means funds appropriated by Con-*  
 21           *gress and made available to the management entity*  
 22           *for the purpose of preparing and implementing the*  
 23           *Management Plan.*

24           (3) *HERITAGE AREA.—The term “Heritage*  
 25           *Area” means the National Aviation Heritage Area es-*

1        *tablished by section 104 to receive, distribute, and ac-*  
2        *count for Federal funds appropriated for the purpose*  
3        *of this title.*

4            (4) *MANAGEMENT PLAN.*—*The term “Manage-*  
5        *ment Plan” means the management plan for the Her-*  
6        *itage Area developed under section 106.*

7            (5) *MANAGEMENT ENTITY.*—*The term “manage-*  
8        *ment entity” means the Aviation Heritage Founda-*  
9        *tion, Incorporated (a nonprofit corporation estab-*  
10       *lished under the laws of the State of Ohio).*

11           (6) *PARTNER.*—*The term “partner” means a*  
12        *Federal, State, or local governmental entity, organi-*  
13        *zation, private industry, educational institution, or*  
14        *individual involved in promoting the conservation*  
15        *and preservation of the cultural and natural resources*  
16        *of the Heritage Area.*

17           (7) *SECRETARY.*—*The term “Secretary” means*  
18        *the Secretary of the Interior.*

19           (8) *TECHNICAL ASSISTANCE.*—*The term “tech-*  
20        *nical assistance” means any guidance, advice, help,*  
21        *or aid, other than financial assistance, provided by*  
22        *the Secretary.*



1 **SEC. 204. NATIONAL AVIATION HERITAGE AREA.**

2 (a) *ESTABLISHMENT.*—*There is established in the*  
 3 *States of Ohio and Indiana, the National Aviation Heritage*  
 4 *Area.*

5 (b) *BOUNDARIES.*—*The Heritage Area shall include*  
 6 *the following:*

7 (1) *A core area consisting of resources in Mont-*  
 8 *gomery, Greene, Warren, Miami, Clark, Champaign,*  
 9 *Shelby, and Auglaize Counties in Ohio.*

10 (2) *The Neil Armstrong Air Space Museum,*  
 11 *Wapakoneta, Ohio.*

12 (3) *Sites, buildings, and districts within the core*  
 13 *area recommended by the Management Plan.*

14 (c) *MAP.*—*A map of the Heritage Area shall be in-*  
 15 *cluded in the Management Plan. The map shall be on file*  
 16 *in the appropriate offices of the National Park Service, De-*  
 17 *partment of the Interior.*

18 (d) *MANAGEMENT ENTITY.*—*The management entity*  
 19 *for the Heritage Area shall be the Aviation Heritage Foun-*  
 20 *dation.*

21 **SEC. 205. AUTHORITIES AND DUTIES OF THE MANAGEMENT**  
 22 **ENTITY.**

23 (a) *AUTHORITIES.*—*For purposes of implementing the*  
 24 *Management Plan, the management entity may use Federal*  
 25 *funds made available through this title to—*

1           (1) *make grants to, and enter into cooperative*  
2           *agreements with, the State of Ohio and political sub-*  
3           *divisions of that State, private organizations, or any*  
4           *person;*

5           (2) *hire and compensate staff; and*

6           (3) *enter into contracts for goods and services.*

7           (b) *DUTIES.—The management entity shall—*

8           (1) *develop and submit to the Secretary for ap-*  
9           *proval the proposed Management Plan in accordance*  
10          *with section 106;*

11          (2) *give priority to implementing actions set*  
12          *forth in the Management Plan, including taking steps*  
13          *to assist units of government and nonprofit organiza-*  
14          *tions in preserving resources within the Heritage*  
15          *Area;*

16          (3) *consider the interests of diverse governmental,*  
17          *business, and nonprofit groups within the Heritage*  
18          *Area in developing and implementing the Manage-*  
19          *ment Plan;*

20          (4) *maintain a collaboration among the partners*  
21          *to promote heritage tourism and to assist partners to*  
22          *develop educational and cultural programs for the*  
23          *public;*

1           (5) *encourage economic viability in the Heritage*  
2     *Area consistent with the goals of the Management*  
3     *Plan;*

4           (6) *assist units of government and nonprofit or-*  
5     *ganizations in—*

6                 (A) *establishing and maintaining interpre-*  
7     *tive exhibits in the Heritage Area;*

8                 (B) *developing recreational resources in the*  
9     *Heritage Area;*

10                (C) *increasing public awareness of and ap-*  
11     *preciation for the historical, natural, and archi-*  
12     *tectural resources and sites in the Heritage Area;*  
13     *and*

14                (D) *restoring historic buildings that relate*  
15     *to the purposes of the Heritage Area;*

16           (7) *conduct public meetings at least quarterly re-*  
17     *garding the implementation of the Management Plan;*

18           (8) *submit substantial amendments to the Man-*  
19     *agement Plan to the Secretary for the approval of the*  
20     *Secretary; and*

21           (9) *for any year in which Federal funds have*  
22     *been received under this title—*

23                 (A) *submit an annual report to the Sec-*  
24     *retary that sets forth the accomplishments of the*  
25     *management entity and its expenses and income;*

1           (B) make available to the Secretary for  
2           audit all records relating to the expenditure of  
3           such funds and any matching funds; and

4           (C) require, with respect to all agreements  
5           authorizing expenditure of Federal funds by  
6           other organizations, that the receiving organiza-  
7           tions make available to the Secretary for audit  
8           all records concerning the expenditure of such  
9           funds.

10       (c) *USE OF FEDERAL FUNDS.*—

11           (1) *IN GENERAL.*—The management entity shall  
12           not use Federal funds received under this title to ac-  
13           quire real property or an interest in real property.

14           (2) *OTHER SOURCES.*—Nothing in this title pre-  
15           cludes the management entity from using Federal  
16           funds from other sources for authorized purposes.

17   **SEC. 206. MANAGEMENT PLAN.**

18           (a) *PREPARATION OF PLAN.*—Not later than 3 years  
19           after the date of the enactment of this title, the management  
20           entity shall submit to the Secretary for approval a proposed  
21           Management Plan that shall take into consideration State  
22           and local plans and involve residents, public agencies, and  
23           private organizations in the Heritage Area.

24           (b) *CONTENTS.*—The Management Plan shall incor-  
25           porate an integrated and cooperative approach for the pro-

1 *tection, enhancement, and interpretation of the natural,*  
2 *cultural, historic, scenic, and recreational resources of the*  
3 *Heritage Area and shall include the following:*

4           (1) *An inventory of the resources contained in*  
5 *the core area of the Heritage Area, including the Day-*  
6 *ton Aviation Heritage Historical Park, the sites,*  
7 *buildings, and districts listed in section 202 of the*  
8 *Dayton Aviation Heritage Preservation Act of 1992*  
9 *(Public Law 102–419), and any other property in the*  
10 *Heritage Area that is related to the themes of the Her-*  
11 *itage Area and that should be preserved, restored,*  
12 *managed, or maintained because of its significance.*

13           (2) *An assessment of cultural landscapes within*  
14 *the Heritage Area.*

15           (3) *Provisions for the protection, interpretation,*  
16 *and enjoyment of the resources of the Heritage Area*  
17 *consistent with the purposes of this title.*

18           (4) *An interpretation plan for the Heritage*  
19 *Area.*

20           (5) *A program for implementation of the Man-*  
21 *agement Plan by the management entity, including*  
22 *the following:*

23                   (A) *Facilitating ongoing collaboration*  
24 *among the partners to promote heritage tourism*

1           *and to develop educational and cultural pro-*  
2           *grams for the public.*

3           *(B) Assisting partners planning for restora-*  
4           *tion and construction.*

5           *(C) Specific commitments of the partners*  
6           *for the first 5 years of operation.*

7           *(6) The identification of sources of funding for*  
8           *implementing the plan.*

9           *(7) A description and evaluation of the manage-*  
10          *ment entity, including its membership and organiza-*  
11          *tional structure.*

12          *(c) DISQUALIFICATION FROM FUNDING.—If a proposed*  
13          *Management Plan is not submitted to the Secretary within*  
14          *3 years of the date of the enactment of this title, the manage-*  
15          *ment entity shall be ineligible to receive additional funding*  
16          *under this title until the date on which the Secretary re-*  
17          *ceives the proposed Management Plan.*

18          *(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT*  
19          *PLAN.—The Secretary, in consultation with the State of*  
20          *Ohio, shall approve or disapprove the proposed Manage-*  
21          *ment Plan submitted under this title not later than 90 days*  
22          *after receiving such proposed Management Plan.*

23          *(e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-*  
24          *retary disapproves a proposed Management Plan, the Sec-*  
25          *retary shall advise the management entity in writing of the*

1 *reasons for the disapproval and shall make recommenda-*  
2 *tions for revisions to the proposed Management Plan. The*  
3 *Secretary shall approve or disapprove a proposed revision*  
4 *within 90 days after the date it is submitted.*

5       (f) *APPROVAL OF AMENDMENTS.—The Secretary shall*  
6 *review and approve substantial amendments to the Manage-*  
7 *ment Plan. Funds appropriated under this title may not*  
8 *be expended to implement any changes made by such*  
9 *amendment until the Secretary approves the amendment.*

10 **SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**  
11 **FEDERAL AGENCIES.**

12       (a) *TECHNICAL AND FINANCIAL ASSISTANCE.—Upon*  
13 *the request of the management entity, the Secretary may*  
14 *provide technical assistance, on a reimbursable or non-*  
15 *reimbursable basis, and financial assistance to the Heritage*  
16 *Area to develop and implement the management plan. The*  
17 *Secretary is authorized to enter into cooperative agreements*  
18 *with the management entity and other public or private*  
19 *entities for this purpose. In assisting the Heritage Area,*  
20 *the Secretary shall give priority to actions that in general*  
21 *assist in—*

22               (1) *conserving the significant natural, historic,*  
23 *cultural, and scenic resources of the Heritage Area;*  
24 *and*

1           (2) *providing educational, interpretive, and rec-*  
 2           *reational opportunities consistent with the purposes of*  
 3           *the Heritage Area.*

4           ***(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any***  
 5           *Federal agency conducting or supporting activities directly*  
 6           *affecting the Heritage Area shall—*

7                 (1) *consult with the Secretary and the manage-*  
 8                 *ment entity with respect to such activities;*

9                 (2) *cooperate with the Secretary and the man-*  
 10                *agement entity in carrying out their duties under this*  
 11                *title;*

12               (3) *to the maximum extent practicable, coordi-*  
 13                *nate such activities with the carrying out of such du-*  
 14                *ties; and*

15               (4) *to the maximum extent practicable, conduct*  
 16                *or support such activities in a manner which the*  
 17                *management entity determines will not have an ad-*  
 18                *verse effect on the Heritage Area.*

19 ***SEC. 208. COORDINATION BETWEEN THE SECRETARY AND***  
 20               ***THE SECRETARY OF DEFENSE AND THE AD-***  
 21               ***MINISTRATOR OF NASA.***

22           *The decisions concerning the execution of this title as*  
 23           *it applies to properties under the control of the Secretary*  
 24           *of Defense and the Administrator of the National Aero-*  
 25           *nautics and Space Administration shall be made by such*



1 *Secretary or such Administrator, in consultation with the*  
 2 *Secretary of the Interior.*

3 **SEC. 209. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
 4 **PROPERTY.**

5 (a) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*  
 6 *ERS REQUIRED.*—*No privately owned property shall be pre-*  
 7 *served, conserved, or promoted by the management plan for*  
 8 *the Heritage Area until the owner of that private property*  
 9 *has been notified in writing by the management entity and*  
 10 *has given written consent for such preservation, conserva-*  
 11 *tion, or promotion to the management entity.*

12 (b) *LANDOWNER WITHDRAW.*—*Any owner of private*  
 13 *property included within the boundary of the Heritage Area*  
 14 *shall have their property immediately removed from the*  
 15 *boundary by submitting a written request to the manage-*  
 16 *ment entity.*

17 **SEC. 210. PRIVATE PROPERTY PROTECTION.**

18 (a) *ACCESS TO PRIVATE PROPERTY.*—*Nothing in this*  
 19 *title shall be construed to—*

20 (1) *require any private property owner to allow*  
 21 *public access (including Federal, State, or local gov-*  
 22 *ernment access) to such private property; or*

23 (2) *modify any provision of Federal, State, or*  
 24 *local law with regard to public access to or use of pri-*  
 25 *vate property.*

1       (b) *LIABILITY.—Designation of the Heritage Area*  
 2 *shall not be considered to create any liability, or to have*  
 3 *any effect on any liability under any other law, of any pri-*  
 4 *vate property owner with respect to any persons injured*  
 5 *on such private property.*

6       (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*  
 7 *USE.—Nothing in this title shall be construed to modify*  
 8 *the authority of Federal, State, or local governments to reg-*  
 9 *ulate land use.*

10       (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*  
 11 *IN HERITAGE AREA.—Nothing in this title shall be con-*  
 12 *strued to require the owner of any private property located*  
 13 *within the boundaries of the Heritage Area to participate*  
 14 *in or be associated with the Heritage Area.*

15       (e) *EFFECT OF ESTABLISHMENT.—The boundaries*  
 16 *designated for the Heritage Area represent the area within*  
 17 *which Federal funds appropriated for the purpose of this*  
 18 *title may be expended. The establishment of the Heritage*  
 19 *Area and its boundaries shall not be construed to provide*  
 20 *any nonexistent regulatory authority on land use within*  
 21 *the Heritage Area or its viewshed by the Secretary, the Na-*  
 22 *tional Park Service, or the management entity.*

23 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

24       (a) *IN GENERAL.—To carry out this title there is au-*  
 25 *thorized to be appropriated \$10,000,000, except that not*

1 more than \$1,000,000 may be appropriated to carry out  
 2 this title for any fiscal year.

3 (b) *FIFTY PERCENT MATCH.*—*The Federal share of the*  
 4 *cost of activities carried out using any assistance or grant*  
 5 *under this title shall not exceed 50 percent.*

6 **SEC. 212. SUNSET PROVISION.**

7 *The authority of the Secretary to provide assistance*  
 8 *under this title terminates on the date that is 15 years after*  
 9 *the date that funds are first made available for this title.*

10 **TITLE III—NATIONAL COAL**  
 11 **HERITAGE AREA**

12 **SEC. 301. NATIONAL COAL HERITAGE AREA.**

13 (a) *NATIONAL COAL HERITAGE AREA AUTHORITY;*  
 14 *BOUNDARY REVISION.*—*Title I of division II of the Omni-*  
 15 *bus Parks and Public Lands Management Act of 1996 (Pub-*  
 16 *lic Law 104–333; 16 U.S.C. 461 note) is amended as fol-*  
 17 *lows:*

18 (1) *In section 103(b), by inserting “(1)” before*  
 19 *“the counties” and by inserting the following before*  
 20 *the period: “; (2) Lincoln County, West Virginia; and*  
 21 *(3) Paint Creek and Cabin Creek in Kanawha Coun-*  
 22 *ty, West Virginia”.*

23 (2) *In section 104, by striking “Governor” and*  
 24 *all that follows through “organizations” in the matter*  
 25 *preceding paragraph (1) and inserting “National*

1       *Coal Heritage Area Authority, a public corporation*  
 2       *and government instrumentality established by the*  
 3       *State of West Virginia, pursuant to which the Sec-*  
 4       *retary shall assist the National Coal Heritage Area*  
 5       *Authority”.*

6           (3) *In section 105—*

7               (A) *by striking “paragraph (2) of”; and*

8               (B) *by adding at the end the following new*  
 9       *sentence: “Resources within Lincoln County,*  
 10       *West Virginia, and Paint Creek and Cabin Creek*  
 11       *within Kanawha County, West Virginia, shall*  
 12       *also be eligible for assistance as determined by*  
 13       *the National Coal Heritage Area Authority.”.*

14          (4) *In section 106(a)—*

15               (A) *by striking “Governor” and all that fol-*  
 16       *lows through “and Parks” and inserting “Na-*  
 17       *tional Coal Heritage Area Authority”;* and

18               (B) *in paragraph (3), by striking “State of*  
 19       *West Virginia” and all that follows through “en-*  
 20       *tities” and inserting “National Coal Heritage*  
 21       *Area Authority”.*

22          (b) *AGREEMENT CONTINUING IN EFFECT.—The con-*  
 23       *tractual agreement entered into by the Secretary of the Inte-*  
 24       *rior and the Governor of West Virginia prior to the date*  
 25       *of the enactment of this Act pursuant to section 104 of title*

1 *I of division II of the Omnibus Parks and Public Lands*  
 2 *Management Act of 1996 (16 U.S.C. 461 note) shall be*  
 3 *deemed as continuing in effect, except that such agreement*  
 4 *shall be between the Secretary and the National Coal Herit-*  
 5 *age Area Authority.*

6 ***TITLE IV—COASTAL HERITAGE***  
 7 ***TRAIL ROUTE IN NEW JERSEY***

8 ***SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR***  
 9 ***COASTAL HERITAGE TRAIL ROUTE IN NEW***  
 10 ***JERSEY.***

11 *(a) REAUTHORIZATION.—Section 6 of Public Law*  
 12 *100–515 (16 U.S.C. 1244 note) is amended—*

13 *(1) in subsection (b)(1), by striking “\$4,000,000”*  
 14 *and all that follows and inserting “such sums as may*  
 15 *be necessary.”; and*

16 *(2) in subsection (c), by striking “10” and in-*  
 17 *serting “12”.*

18 *(b) STRATEGIC PLAN.—*

19 *(1) IN GENERAL.—The Secretary of the Interior*  
 20 *shall, by not later than 2 years after the date of the*  
 21 *enactment of this Act, prepare a strategic plan for the*  
 22 *New Jersey Coastal Heritage Trail Route.*

23 *(2) CONTENTS.—The strategic plan shall de-*  
 24 *scribe—*

1                   (A) opportunities to increase participation  
 2                   by national and local private and public inter-  
 3                   ests in planning, development, and administra-  
 4                   tion of the New Jersey Coastal Heritage Trail  
 5                   Route; and

6                   (B) organizational options for sustaining  
 7                   the New Jersey Coastal Heritage Trail Route.

8       **TITLE V—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR**  
 9  
 10

11   **SEC. 501. SHORT TITLE.**

12           This title may be cited as the “Illinois and Michigan  
 13   Canal National Heritage Corridor Act Amendments of  
 14   2004”.

15   **SEC. 502. TRANSITION AND PROVISIONS FOR NEW MANAGE-**  
 16                   **MENT ENTITY; COUNCIL.**

17           The Illinois and Michigan Canal National Heritage  
 18   Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461  
 19   note) is amended as follows:

20                   (1) In section 103—

21                           (A) in paragraph (8), by striking “and”;

22                           (B) in paragraph (9), by striking the period  
 23                   and inserting “; and”; and

24                           (C) by adding at the end the following:

1           “(10) the term ‘Association’ means the Canal  
 2       Corridor Association (an organization described  
 3       under section 501(c)(3) of the Internal Revenue Code  
 4       of 1986 and is exempt from taxation under section  
 5       501(a) of such Code).”.

6           (2) By adding at the end of section 112 the fol-  
 7       lowing new paragraph:

8           “(7) The Secretary shall enter into a memo-  
 9       randum of understanding with the Association to help  
 10      ensure appropriate transition of the management en-  
 11      tity to the Association and coordination with the As-  
 12      sociation regarding that role.”.

13          (3) By adding at the end the following new sec-  
 14      tions:

15   **“SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.**

16          “Upon the termination of the Commission, the man-  
 17      agement entity for the corridor shall be the Association.  
 18      Upon the expiration of the Commission, the Association  
 19      shall have the powers and restrictions of the Commission  
 20      under this Act.

21   **“SEC. 120. DUTIES AND AUTHORITIES OF THE MANAGE-**  
 22                           **MENT ENTITY.**

23          “For purposes of preparing and implementing the  
 24      management plan developed under section 121, the manage-

1 *ment entity may use Federal funds made available under*  
2 *this Act—*

3           “(1) *to make loans and grants to, and enter into*  
4           *cooperative agreements with, States and their polit-*  
5           *ical subdivisions, private organizations, or any per-*  
6           *son;*

7           “(2) *to hire, train, and compensate staff; and*

8           “(3) *to enter into contracts for goods and serv-*  
9           *ices.*

10 **“SEC. 121. DUTIES OF THE ASSOCIATION.**

11       *“The Association shall—*

12           “(1) *develop and submit to the Secretary for ap-*  
13           *proval the management plan for the corridor not later*  
14           *than 2 years after Federal funds are made available*  
15           *for this purpose;*

16           “(2) *give priority to implementing actions set*  
17           *forth in the management plan, including taking steps*  
18           *to assist units of local government, regional planning*  
19           *organizations, and other organizations—*

20                   “(A) *in preserving the corridor;*

21                   “(B) *in establishing and maintaining inter-*  
22                   *pretive exhibits in the corridor;*

23                   “(C) *in developing recreational resources in*  
24                   *the corridor;*



1           “(D) in increasing public awareness of and  
2           appreciation for the natural, historical, and ar-  
3           chitectural resources and sites in the corridor;  
4           and

5           “(E) in facilitating the restoration of any  
6           historic building relating to the themes of the  
7           corridor;

8           “(3) encourage by appropriate means economic  
9           viability in the corridor consistent with the goals of  
10          the management plan;

11          “(4) consider the interests of diverse govern-  
12          mental, business, and other groups within the cor-  
13          ridor;

14          “(5) conduct public meetings at least quarterly  
15          regarding the implementation of the management  
16          plan;

17          “(6) submit substantial changes (including any  
18          increase of more than 20 percent in the cost estimates  
19          for implementation) to the management plan to the  
20          Secretary;

21          “(7) for any year in which Federal funds have  
22          been received under this Act—

23                 “(A) submit an annual report to the Sec-  
24                 retary setting forth the Association’s accomplish-  
25                 ments, expenses and income, and the identity of

1           *each entity to which any loans and grants were*  
 2           *made during the year for which the report is*  
 3           *made;*

4           “(B) *make available for audit all records*  
 5           *pertaining to the expenditure of such funds and*  
 6           *any matching funds; and*

7           “(C) *require, for all agreements authorizing*  
 8           *expenditure of Federal funds by other organiza-*  
 9           *tions, that the receiving organizations make*  
 10          *available for audit all records pertaining to the*  
 11          *expenditure of such funds.*

12   **“SEC. 122. USE OF FEDERAL FUNDS.**

13          “(a) *IN GENERAL.*—*The Association shall not use Fed-*  
 14          *eral funds received under this Act to acquire real property*  
 15          *or an interest in real property.*

16          “(b) *OTHER SOURCES.*—*Nothing in this Act precludes*  
 17          *the Association from using Federal funds from other sources*  
 18          *for authorized purposes.*

19   **“SEC. 123. MANAGEMENT PLAN.**

20          “(a) *PREPARATION OF PLAN.*—*Not later than 2 years*  
 21          *after the date that Federal funds are made available for*  
 22          *this purpose, the Association shall submit to the Secretary*  
 23          *for approval a proposed management plan that shall—*

24                 “(1) *take into consideration State and local*  
 25                 *plans and involve residents, local governments and*

1       *public agencies, and private organizations in the cor-*  
2       *ridor;*

3               *“(2) present comprehensive recommendations for*  
4       *the corridor’s conservation, funding, management,*  
5       *and development;*

6               *“(3) include actions to be undertaken by units of*  
7       *government and private organizations to protect the*  
8       *resources of the corridor;*

9               *“(4) specify the existing and potential sources of*  
10       *funding to protect, manage, and develop the corridor;*  
11       *and*

12               *“(5) include the following:*

13                       *“(A) Identification of the geographic bound-*  
14                       *aries of the corridor.*

15                       *“(B) A brief description and map of the*  
16                       *corridor’s overall concept or vision that show key*  
17                       *sites, visitor facilities and attractions, and phys-*  
18                       *ical linkages.*

19                       *“(C) Identification of overall goals and the*  
20                       *strategies and tasks intended to reach them, and*  
21                       *a realistic schedule for completing the tasks.*

22                       *“(D) A listing of the key resources and*  
23                       *themes of the corridor.*

1                   “(E) *Identification of parties responsible for*  
2                   *carrying out the tasks, including any National*  
3                   *Park Service responsibilities.*

4                   “(F) *A financial plan and other informa-*  
5                   *tion on costs and sources of funds.*

6                   “(G) *A description of the public participa-*  
7                   *tion process used in developing the plan and a*  
8                   *proposal for public participation in the imple-*  
9                   *mentation of the management plan.*

10                  “(H) *A mechanism and schedule for updat-*  
11                  *ing the plan based on actual progress.*

12                  “(I) *A bibliography of documents used to*  
13                  *develop the management plan.*

14                  “(J) *A discussion of any other relevant*  
15                  *issues relating to the management plan.*

16                  “(b) *DISQUALIFICATION FROM FUNDING.—If a pro-*  
17                  *posed management plan is not submitted to the Secretary*  
18                  *within 2 years after the date that Federal funds are made*  
19                  *available for this purpose, the Association shall be ineligible*  
20                  *to receive additional funds under this Act until the Sec-*  
21                  *retary receives a proposed management plan from the Asso-*  
22                  *ciation.*

23                  “(c) *APPROVAL OF MANAGEMENT PLAN.—The Sec-*  
24                  *retary shall approve or disapprove a proposed management*  
25                  *plan submitted under this Act not later than 180 days after*

1 receiving such proposed management plan. If action is not  
2 taken by the Secretary within the time period specified in  
3 the preceding sentence, the management plan shall be  
4 deemed approved. The Secretary shall consult with the local  
5 entities representing the diverse interests of the corridor in-  
6 cluding governments, natural and historic resource protec-  
7 tion organizations, educational institutions, businesses, rec-  
8 reational organizations, community residents, and private  
9 property owners prior to approving the management plan.  
10 The Association shall conduct semi-annual public meetings,  
11 workshops, and hearings to provide adequate opportunity  
12 for the public and local and governmental entities to review  
13 and to aid in the preparation and implementation of the  
14 management plan.

15 “(d) ACTION FOLLOWING DISAPPROVAL.—If the Sec-  
16 retary disapproves a proposed management plan within the  
17 time period specified in subsection (c), the Secretary shall  
18 advise the Association in writing of the reasons for the dis-  
19 approval and shall make recommendations for revisions to  
20 the proposed management plan.

21 “(e) APPROVAL OF AMENDMENTS.—The Secretary  
22 shall review and approve all substantial amendments (in-  
23 cluding any increase of more than 20 percent in the cost  
24 estimates for implementation) to the management plan.  
25 Funds made available under this Act may not be expended

1 *to implement any changes made by a substantial amend-*  
 2 *ment until the Secretary approves that substantial amend-*  
 3 *ment.*

4 **“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**  
 5 **FEDERAL AGENCIES.**

6 “(a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—Upon  
 7 *the request of the Association, the Secretary may provide*  
 8 *technical assistance, on a reimbursable or nonreimbursable*  
 9 *basis, and financial assistance to the Association to develop*  
 10 *and implement the management plan. The Secretary is au-*  
 11 *thorized to enter into cooperative agreements with the Asso-*  
 12 *ciation and other public or private entities for this purpose.*  
 13 *In assisting the Association, the Secretary shall give pri-*  
 14 *ority to actions that in general assist in—*

15 “(1) *conserving the significant natural, historic,*  
 16 *cultural, and scenic resources of the corridor; and*

17 “(2) *providing educational, interpretive, and*  
 18 *recreational opportunities consistent with the pur-*  
 19 *poses of the corridor.*

20 “(b) *DUTIES OF OTHER FEDERAL AGENCIES.*—Any  
 21 *Federal agency conducting or supporting activities directly*  
 22 *affecting the corridor shall—*

23 “(1) *consult with the Secretary and the Associa-*  
 24 *tion with respect to such activities;*

1           “(2) *cooperate with the Secretary and the Asso-*  
 2           *ciation in carrying out their duties under this Act;*

3           “(3) *to the maximum extent practicable, coordi-*  
 4           *nate such activities with the carrying out of such du-*  
 5           *ties; and*

6           “(4) *to the maximum extent practicable, conduct*  
 7           *or support such activities in a manner which the As-*  
 8           *sociation determines is not likely to have an adverse*  
 9           *effect on the corridor.*

10   **“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

11           “(a) *IN GENERAL.—To carry out this Act there is au-*  
 12           *thorized to be appropriated \$10,000,000, except that not*  
 13           *more than \$1,000,000 may be appropriated to carry out*  
 14           *this Act for any fiscal year.*

15           “(b) *50 PERCENT MATCH.—The Federal share of the*  
 16           *cost of activities carried out using any assistance or grant*  
 17           *under this Act shall not exceed 50 percent of that cost.*

18   **“SEC. 126. SUNSET.**

19           *“The authority of the Secretary to provide assistance*  
 20           *under this Act terminates on September 30, 2027.”.*

21   **SEC. 503. PRIVATE PROPERTY PROTECTION.**

22           *The Illinois and Michigan Canal National Heritage*  
 23           *Corridor Act of 1984 is further amended by adding after*  
 24           *section 126 (as added by section 502 of this title) the fol-*  
 25           *lowing new sections:*

1   **“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
 2                   **PROPERTY.**

3           “(a) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*  
 4   *ERS REQUIRED.*—No privately owned property shall be pre-  
 5   served, conserved, or promoted by the management plan for  
 6   the Heritage Area until the owner of that private property  
 7   has been notified in writing by the management entity and  
 8   has given written consent for such preservation, conserva-  
 9   tion, or promotion to the management entity.

10          “(b) *LANDOWNER WITHDRAW.*—Any owner of private  
 11   property included within the boundary of the corridor, and  
 12   not notified under subsection (a), shall have their property  
 13   immediately removed from the boundary of the corridor by  
 14   submitting a written request to the Association.

15   **“SEC. 128. PRIVATE PROPERTY PROTECTION.**

16          “(a) *ACCESS TO PRIVATE PROPERTY.*—Nothing in this  
 17   Act shall be construed to—

18               “(1) *require any private property owner to allow*  
 19       *public access (including Federal, State, or local gov-*  
 20       *ernment access) to such private property; or*

21               “(2) *modify any provision of Federal, State, or*  
 22       *local law with regard to public access to or use of pri-*  
 23       *vate property.*

24          “(b) *LIABILITY.*—Designation of the corridor shall not  
 25   be considered to create any liability, or to have any effect  
 26   on any liability under any other law, of any private prop-



erty owner with respect to any persons injured on such private property.

“(c) *RECOGNITION OF AUTHORITY TO CONTROL LAND USE.*—Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.*—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

“(e) *EFFECT OF ESTABLISHMENT.*—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any non-existing regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.”.

**SEC. 504. TECHNICAL AMENDMENTS.**

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

1           (A) by striking “(a)” and all that follows  
 2           through “For each” and inserting “(a) For  
 3           each”;

4           (B) by striking “Commission” and insert-  
 5           ing “Association”;

6           (C) by striking “Commission’s” and insert-  
 7           ing “Association’s”;

8           (D) by redesignating paragraph (2) as sub-  
 9           section (b); and

10          (E) by redesignating subparagraphs (A)  
 11          and (B) as paragraphs (1) and (2), respectively.

## 12           **TITLE VI—OIL REGION** 13           **NATIONAL HERITAGE AREA**

### 14   **SEC. 601. SHORT TITLE; DEFINITIONS.**

15          (a) *SHORT TITLE.*—This title may be cited as the “Oil  
 16   Region National Heritage Area Act”.

17          (b) *DEFINITIONS.*—For the purposes of this title, the  
 18   following definitions shall apply:

19           (1) *HERITAGE AREA.*—The term “Heritage  
 20   Area” means the Oil Region National Heritage Area  
 21   established in section 603(a).

22           (2) *MANAGEMENT ENTITY.*—The term “manage-  
 23   ment entity” means the Oil Heritage Region, Inc., or  
 24   its successor entity.

1           (3) *SECRETARY.*—*The term “Secretary” means*  
2       *the Secretary of the Interior.*

3   **SEC. 602. FINDINGS AND PURPOSE.**

4       (a) *FINDINGS.*—*The Congress finds the following:*

5           (1) *The Oil Region of Northwestern Pennsyl-*  
6       *vania, with numerous sites and districts listed on the*  
7       *National Register of Historic Places, and designated*  
8       *by the Governor of Pennsylvania as one of the State*  
9       *Heritage Park Areas, is a region with tremendous*  
10      *physical and natural resources and possesses a story*  
11      *of State, national, and international significance.*

12          (2) *The single event of Colonel Edwin Drake’s*  
13      *drilling of the world’s first successful oil well in 1859*  
14      *has affected the industrial, natural, social, and polit-*  
15      *ical structures of the modern world.*

16          (3) *Six national historic districts are located*  
17      *within the State Heritage Park boundary, in*  
18      *Emlenton, Franklin, Oil City, and Titusville, as well*  
19      *as 17 separate National Register sites.*

20          (4) *The Allegheny River, which was designated*  
21      *as a component of the national wild and scenic rivers*  
22      *system in 1992 by Public Law 102–271, traverses the*  
23      *Oil Region and connects several of its major sites, as*  
24      *do some of the river’s tributaries such as Oil Creek,*  
25      *French Creek, and Sandy Creek.*

1           (5) *The unspoiled rural character of the Oil Re-*  
2           *gion provides many natural and recreational re-*  
3           *sources, scenic vistas, and excellent water quality for*  
4           *people throughout the United States to enjoy.*

5           (6) *Remnants of the oil industry, visible on the*  
6           *landscape to this day, provide a direct link to the*  
7           *past for visitors, as do the historic valley settlements,*  
8           *riverbed settlements, plateau developments, farmlands,*  
9           *and industrial landscapes.*

10          (7) *The Oil Region also represents a cross section*  
11          *of American history associated with Native Ameri-*  
12          *cans, frontier settlements, the French and Indian*  
13          *War, African Americans and the Underground Rail-*  
14          *road, and immigration of Swedish and Polish indi-*  
15          *viduals, among others.*

16          (8) *Involvement by the Federal Government shall*  
17          *serve to enhance the efforts of the Commonwealth of*  
18          *Pennsylvania, local subdivisions of the Common-*  
19          *wealth of Pennsylvania, volunteer organizations, and*  
20          *private businesses, to promote the cultural, national,*  
21          *and recreational resources of the region in order to*  
22          *fulfill their full potential.*

23          (b) *PURPOSE.—The purpose of this title is to enhance*  
24          *a cooperative management framework to assist the Com-*  
25          *monwealth of Pennsylvania, its units of local government,*

1 *and area citizens in conserving, enhancing, and inter-*  
2 *preting the significant features of the lands, water, and*  
3 *structures of the Oil Region, in a manner consistent with*  
4 *compatible economic development for the benefit and inspi-*  
5 *ration of present and future generations in the Common-*  
6 *wealth of Pennsylvania and the United States.*

7 **SEC. 603. OIL REGION NATIONAL HERITAGE AREA.**

8       (a) *ESTABLISHMENT.*—*There is hereby established the*  
9 *Oil Region National Heritage Area.*

10       (b) *BOUNDARIES.*—*The boundaries of the Heritage*  
11 *Area shall include all of those lands depicted on a map enti-*  
12 *tled “Oil Region National Heritage Area”, numbered*  
13 *OIRE/20,000 and dated October, 2000. The map shall be*  
14 *on file in the appropriate offices of the National Park Serv-*  
15 *ice. The Secretary of the Interior shall publish in the Fed-*  
16 *eral Register, as soon as practical after the date of the en-*  
17 *actment of this Act, a detailed description and map of the*  
18 *boundaries established under this subsection.*

19       (c) *MANAGEMENT ENTITY.*—*The management entity*  
20 *for the Heritage Area shall be the Oil Heritage Region, Inc.,*  
21 *the locally based private, nonprofit management corpora-*  
22 *tion which shall oversee the development of a management*  
23 *plan in accordance with section 605(b).*

1 **SEC. 604. COMPACT.**

2       *To carry out the purposes of this title, the Secretary*  
 3 *shall enter into a compact with the management entity. The*  
 4 *compact shall include information relating to the objectives*  
 5 *and management of the area, including a discussion of the*  
 6 *goals and objectives of the Heritage Area, including an ex-*  
 7 *planation of the proposed approach to conservation and in-*  
 8 *terpretation and a general outline of the protection meas-*  
 9 *ures committed to by the Secretary and management entity.*

10 **SEC. 605. AUTHORITIES AND DUTIES OF MANAGEMENT EN-**  
 11 **TITY.**

12       *(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—*  
 13 *The management entity may use funds made available*  
 14 *under this title for purposes of preparing, updating, and*  
 15 *implementing the management plan developed under sub-*  
 16 *section (b). Such purposes may include—*

- 17               *(1) making grants to, and entering into coopera-*  
 18               *tive agreements with, States and their political sub-*  
 19               *divisions, private organizations, or any other person;*  
 20               *(2) hiring and compensating staff; and*  
 21               *(3) undertaking initiatives that advance the pur-*  
 22               *poses of the Heritage Area.*

23       *(b) MANAGEMENT PLAN.—The management entity*  
 24 *shall develop a management plan for the Heritage Area*  
 25 *that—*

1           (1) *presents comprehensive strategies and rec-*  
2           *ommendations for conservation, funding, manage-*  
3           *ment, and development of the Heritage Area;*

4           (2) *takes into consideration existing State, coun-*  
5           *ty, and local plans and involves residents, public*  
6           *agencies, and private organizations working in the*  
7           *Heritage Area;*

8           (3) *includes a description of actions that units*  
9           *of government and private organizations have agreed*  
10          *to take to protect the resources of the Heritage Area;*

11          (4) *specifies the existing and potential sources of*  
12          *funding to protect, manage, and develop the Heritage*  
13          *Area;*

14          (5) *includes an inventory of the resources con-*  
15          *tained in the Heritage Area, including a list of any*  
16          *property in the Heritage Area that is related to the*  
17          *themes of the Heritage Area and that should be pre-*  
18          *served, restored, managed, developed, or maintained*  
19          *because of its natural, cultural, historic, recreational,*  
20          *or scenic significance;*

21          (6) *describes a program for implementation of*  
22          *the management plan by the management entity, in-*  
23          *cluding plans for restoration and construction, and*  
24          *specific commitments for that implementation that*

1       *have been made by the management entity and any*  
 2       *other persons for the first 5 years of implementation;*

3               *(7) lists any revisions to the boundaries of the*  
 4       *Heritage Area proposed by the management entity*  
 5       *and requested by the affected local government; and*

6               *(8) includes an interpretation plan for the Her-*  
 7       *itage Area.*

8       *(c) DEADLINE; TERMINATION OF FUNDING.—*

9               *(1) DEADLINE.—The management entity shall*  
 10       *submit the management plan to the Secretary within*  
 11       *2 years after the funds are made available for this*  
 12       *title.*

13              *(2) TERMINATION OF FUNDING.—If a manage-*  
 14       *ment plan is not submitted to the Secretary in ac-*  
 15       *cordance with this subsection, the management entity*  
 16       *shall not qualify for Federal assistance under this*  
 17       *title.*

18       *(d) DUTIES OF MANAGEMENT ENTITY.—The manage-*  
 19       *ment entity shall—*

20              *(1) give priority to implementing actions set*  
 21       *forth in the compact and management plan;*

22              *(2) assist units of government, regional planning*  
 23       *organizations, and nonprofit organizations in—*

24                      *(A) establishing and maintaining interpre-*  
 25       *tive exhibits in the Heritage Area;*



1           (B) developing recreational resources in the  
2           Heritage Area;

3           (C) increasing public awareness of and ap-  
4           preciation for the natural, historical, and archi-  
5           tectural resources and sites in the Heritage Area;

6           (D) the restoration of any historic building  
7           relating to the themes of the Heritage Area;

8           (E) ensuring that clear signs identifying ac-  
9           cess points and sites of interest are put in place  
10          throughout the Heritage Area; and

11          (F) carrying out other actions that the  
12          management entity determines to be advisable to  
13          fulfill the purposes of this title;

14          (3) encourage by appropriate means economic  
15          viability in the Heritage Area consistent with the  
16          goals of the management plan;

17          (4) consider the interests of diverse governmental,  
18          business, and nonprofit groups within the Heritage  
19          Area; and

20          (5) for any year in which Federal funds have  
21          been provided to implement the management plan  
22          under subsection (b)—

23                 (A) conduct public meetings at least annu-  
24                 ally regarding the implementation of the man-  
25                 agement plan;

1           (B) submit an annual report to the Sec-  
 2           retary setting forth accomplishments, expenses  
 3           and income, and each person to which any grant  
 4           was made by the management entity in the year  
 5           for which the report is made; and

6           (C) require, for all agreements entered into  
 7           by the management entity authorizing expendi-  
 8           ture of Federal funds by any other person, that  
 9           the person making the expenditure make avail-  
 10          able to the management entity for audit all  
 11          records pertaining to the expenditure of such  
 12          funds.

13       (e) *PROHIBITION ON THE ACQUISITION OF REAL*  
 14       *PROPERTY.*—The management entity may not use Federal  
 15       funds received under this title to acquire real property or  
 16       an interest in real property.

17       **SEC. 606. DUTIES AND AUTHORITIES OF THE SECRETARY.**

18       (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

19           (1) *IN GENERAL.*—

20           (A) *OVERALL ASSISTANCE.*—The Secretary  
 21           may, upon the request of the management entity,  
 22           and subject to the availability of appropriations,  
 23           provide technical and financial assistance to the  
 24           management entity to carry out its duties under  
 25           this title, including updating and implementing

1        *a management plan that is submitted under sec-*  
2        *tion 605(b) and approved by the Secretary and,*  
3        *prior to such approval, providing assistance for*  
4        *initiatives.*

5                *(B) OTHER ASSISTANCE.—If the Secretary*  
6        *has the resources available to provide technical*  
7        *assistance to the management entity to carry out*  
8        *its duties under this title (including updating*  
9        *and implementing a management plan that is*  
10       *submitted under section 605(b) and approved by*  
11       *the Secretary and, prior to such approval, pro-*  
12       *viding assistance for initiatives), upon the re-*  
13       *quest of the management entity the Secretary*  
14       *shall provide such assistance on a reimbursable*  
15       *basis. This subparagraph does not preclude the*  
16       *Secretary from providing nonreimbursable as-*  
17       *sistance under subparagraph (A).*

18                *(2) PRIORITY.—In assisting the management en-*  
19       *tity, the Secretary shall give priority to actions that*  
20       *assist in the—*

21                *(A) implementation of the management*  
22       *plan;*

23                *(B) provision of educational assistance and*  
24       *advice regarding land and water management*

1           *techniques to conserve the significant natural re-*  
 2           *sources of the region;*

3           *(C) development and application of tech-*  
 4           *niques promoting the preservation of cultural*  
 5           *and historic properties;*

6           *(D) preservation, restoration, and reuse of*  
 7           *publicly and privately owned historic buildings;*

8           *(E) design and fabrication of a wide range*  
 9           *of interpretive materials based on the manage-*  
 10          *ment plan, including guide brochures, visitor*  
 11          *displays, audio-visual and interactive exhibits,*  
 12          *and educational curriculum materials for public*  
 13          *education; and*

14          *(F) implementation of initiatives prior to*  
 15          *approval of the management plan.*

16          *(3) DOCUMENTATION OF STRUCTURES.—The Sec-*  
 17          *retary, acting through the Historic American Build-*  
 18          *ing Survey and the Historic American Engineering*  
 19          *Record, shall conduct studies necessary to document*  
 20          *the industrial, engineering, building, and architec-*  
 21          *tural history of the Heritage Area.*

22          *(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT*  
 23          *PLANS.—The Secretary, in consultation with the Governor*  
 24          *of Pennsylvania, shall approve or disapprove a manage-*  
 25          *ment plan submitted under this title not later than 90 days*

1 *after receiving such plan. In approving the plan, the Sec-*  
2 *retary shall take into consideration the following criteria:*

3 *(1) The extent to which the management plan*  
4 *adequately preserves and protects the natural, cul-*  
5 *tural, and historical resources of the Heritage Area.*

6 *(2) The level of public participation in the devel-*  
7 *opment of the management plan.*

8 *(3) The extent to which the board of directors of*  
9 *the management entity is representative of the local*  
10 *government and a wide range of interested organiza-*  
11 *tions and citizens.*

12 *(c) ACTION FOLLOWING DISAPPROVAL.—If the Sec-*  
13 *retary disapproves a management plan, the Secretary shall*  
14 *advise the management entity in writing of the reasons for*  
15 *the disapproval and shall make recommendations for revi-*  
16 *sions in the management plan. The Secretary shall approve*  
17 *or disapprove a proposed revision within 90 days after the*  
18 *date it is submitted.*

19 *(d) APPROVING CHANGES.—The Secretary shall review*  
20 *and approve amendments to the management plan under*  
21 *section 605(b) that make substantial changes. Funds appro-*  
22 *priated under this title may not be expended to implement*  
23 *such changes until the Secretary approves the amendments.*

24 *(e) EFFECT OF INACTION.—If the Secretary does not*  
25 *approve or disapprove a management plan, revision, or*

1 *change within 90 days after it is submitted to the Secretary,*  
2 *then such management plan, revision, or change shall be*  
3 *deemed to have been approved by the Secretary.*

4 **SEC. 607. DUTIES OF OTHER FEDERAL ENTITIES.**

5 *Any Federal entity conducting or supporting activities*  
6 *directly affecting the Heritage Area shall—*

7 *(1) consult with the Secretary and the manage-*  
8 *ment entity with respect to such activities;*

9 *(2) cooperate with the Secretary and the man-*  
10 *agement entity in carrying out their duties under this*  
11 *title and, to the maximum extent practicable, coordi-*  
12 *nate such activities with the carrying out of such du-*  
13 *ties; and*

14 *(3) to the maximum extent practicable, conduct*  
15 *or support such activities in a manner that the man-*  
16 *agement entity determines shall not have an adverse*  
17 *effect on the Heritage Area.*

18 **SEC. 608. SUNSET.**

19 *The Secretary may not make any grant or provide any*  
20 *assistance under this title after the expiration of the 15-*  
21 *year period beginning on the date that funds are first made*  
22 *available for this title.*

1 **SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
2 **PROPERTY.**

3 (a) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*  
4 *ERS REQUIRED.*—No privately owned property shall be pre-  
5 served, conserved, or promoted by the management plan for  
6 the Heritage Area until the owner of that private property  
7 has been notified in writing by the management entity and  
8 has given written consent for such preservation, conserva-  
9 tion, or promotion to the management entity.

10 (b) *LANDOWNER WITHDRAW.*—Any owner of private  
11 property included within the boundary of the Heritage Area  
12 shall have their property immediately removed from the  
13 boundary by submitting a written request to the manage-  
14 ment entity.

15 **SEC. 610. PRIVATE PROPERTY PROTECTION.**

16 (a) *ACCESS TO PRIVATE PROPERTY.*—Nothing in this  
17 title shall be construed to—

18 (1) *require any private property owner to allow*  
19 *public access (including Federal, State, or local gov-*  
20 *ernment access) to such private property; or*

21 (2) *modify any provision of Federal, State, or*  
22 *local law with regard to public access to or use of pri-*  
23 *ivate property.*

24 (b) *LIABILITY.*—Designation of the Heritage Area  
25 shall not be considered to create any liability, or to have  
26 any effect on any liability under any other law, of any pri-

1 vate property owner with respect to any persons injured  
 2 on such private property.

3 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*  
 4 *USE.*—Nothing in this title shall be construed to modify  
 5 the authority of Federal, State, or local governments to reg-  
 6 ulate land use.

7 (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*  
 8 *IN HERITAGE AREA.*—Nothing in this title shall be con-  
 9 strued to require the owner of any private property located  
 10 within the boundaries of the Heritage Area to participate  
 11 in or be associated with the Heritage Area.

12 (e) *EFFECT OF ESTABLISHMENT.*—The boundaries  
 13 designated for the Heritage Area represent the area within  
 14 which Federal funds appropriated for the purpose of this  
 15 title may be expended. The establishment of the Heritage  
 16 Area and its boundaries shall not be construed to provide  
 17 any nonexisting regulatory authority on land use within  
 18 the Heritage Area or its viewshed by the Secretary, the Na-  
 19 tional Park Service, or the management entity.

20 **SEC. 611. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

21 Nothing in this title shall preclude the management  
 22 entity from using Federal funds available under Acts other  
 23 than this title for the purposes for which those funds were  
 24 authorized.



1 **SEC. 612. AUTHORIZATION OF APPROPRIATIONS.**

2       (a) *IN GENERAL.*—*There are authorized to be appro-*  
3 *priated to carry out this title—*

4               (1) *not more than \$1,000,000 for any fiscal year;*

5       *and*

6               (2) *not more than a total of \$10,000,000.*

7       (b) *50 PERCENT MATCH.*—*Financial assistance pro-*  
8 *vided under this title may not be used to pay more than*  
9 *50 percent of the total cost of any activity carried out with*  
10 *that assistance.*

Union Calendar No. 370

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 4492**

[Report No. 108-611]

**A BILL**

To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

JULY 19, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed